

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Herbert Alonzo Robinson,

Plaintiff,

vs.

Sgt. Wilson; Officer Frye; Officer Ms.
Redden; Stephanie Singleton; Sgt.
Harrison; Sgt. Duval; John Does and Jane
Does in their individual capacities;

Defendants.

C.A. No.: 8:11-cv-02285-RBH-JDA

ORDER

Plaintiff, a state prisoner proceeding *pro se*, brought this suit pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation.¹ In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Furthermore, in an abundance of caution, the court also has conducted a de novo review of Plaintiff's claim against Defendant Singleton, and finds itself in agreement with the Magistrate Judge's recommendation that Defendant Singleton should be dismissed, without prejudice, from this action. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that the Second Amended Complaint in the above-captioned case, as to Defendant Stephanie Singleton, is dismissed *without prejudice*.

¹ As a matter of fact, the copy of the Report and Recommendation that the court attempted to mail to Plaintiff was returned undeliverable, with its envelope marked “return to sender; not deliverable as addressed; unable to forward.” Envelope [Docket Entry 56].

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
January 20, 2012